

Form FOC 7

Notice of Hearing

Use this form to send notice to the other party that a hearing has been scheduled on your motion.

NOTICE OF HEARING CHECKLIST

Use the following checklist to make sure you have done all the steps that are needed.

DID YOU . . .

1. Fill out all requested information on the form? YES ☐
2. Make all necessary copies? YES ☐
3. File the notice of hearing form with the clerk's office? YES ☐
4. Mail a copy of the notice on the other party and on any other custodian/guardian? YES ☐
5. Return to the clerk's office **after** you mailed the notice to the other party and completed the certificate of mailing? YES ☐
6. Keep one copy of the notice for yourself? YES ☐
7. Give 2 copies of the completed form to the clerk of the court? YES ☐

You must attend the hearing.

After the hearing, DID YOU . . .

1. Return to the clerk's office with all copies of the signed order? YES ☐
2. Mail a copy of the signed order on the other party and on any other custodian/guardian? YES ☐
3. Return to the clerk's office **after** you mailed the signed order to the other party and completed the certificate of mailing? YES ☐
6. Keep one copy of the signed order for yourself? YES ☐
7. Give 2 copies of the completed order to the clerk of the court? YES ☐

If you cannot answer "yes" to all of the above steps, a hearing on your motion may be delayed or your motion may be dismissed. Also, your order may not be signed by the judge or you may not have a valid order.

If you have questions about any step in the process, read page 3 through 5 for details.

INSTRUCTIONS FOR USING FORM FOC 7 AFTER FILING A MOTION AND WHEN A HEARING IS REQUIRED

»» FILING A NOTICE OF HEARING

1. Fill out the Notice of Hearing form.

Use the instructions on the form. Be careful not to make mistakes.

Before filling out form, call the friend of the court office about getting a hearing date. Fill in the form with the information you get about the hearing date and location and the name of the judge or referee who will be hearing the motion.

Make at least 5 copies of the form.

2. File the Notice of Hearing form with the county clerk.

Take the 6 copies of the form to the county clerk in the county where your case is located. You should have the following copies when you leave the clerk's office:

- 1 Copy of FOC 7 - for you
- 1 Copy of FOC 7 - for other party
- 1 Copy of FOC 7 - for proof of service to the court
- 1 Copy of FOC 7 - for proof of service to the friend of the court

»» SERVING THE NOTICE OF HEARING ON THE OTHER PARTY OR PARTIES

1. Serve the Notice of Hearing on the other party.

The other party must be notified of the hearing date at least 9 weekdays (not including holidays) before the hearing date. Serve the form by mailing it to the other party by regular, first class mail.

What you need:

- 1 Copy of FOC 7- for the other party
- 2 Copies of FOC 7 - for proof of service
- Any additional copies of FOC 7 - for another custodian or guardian
if there is someone other than the other parent who has care or custody of the child(ren)

Mail 1 copy to the other party. If there is a custodian or guardian, mail 1 copy to them also. Fill out the Certificate of Mailing on the front of the remaining 3 copies.

2. Return to the county clerk.

Once you have mailed the notice of hearing and filled out the certificate of mailing, return to the county clerk's office with 2 copies. Keep the other copy for your own records.

3. If the copy you sent to the other party is returned to you.

The hearing cannot be held until it can be proven to the court that both parties know about the hearing. If the other person's copy is returned to you, you must:

- Get the current address of the other person from the friend of the court or another source.
- If there are less than 9 days before the original hearing date, cancel the original hearing date and schedule a new one.
- Fill out another notice of hearing form.
- When a new address cannot be obtained, cancel the original hearing date which has been scheduled. Other ways of notifying the other party are listed in the Michigan Court Rules (MCR 2.106).

4. Attend the hearing.

You must attend the hearing on the motion.

»» INFORMATION ABOUT ATTENDING THE HEARING

Bring 6 copies of the order form with you to the hearing. Also bring all supporting papers you have and any witnesses who are willing to testify.

1. Since you are representing yourself, you are expected to conduct yourself as an attorney would and to follow the same general rules an attorney would.
2. Make a list of information you think is important for the referee or judge to know. The information should relate to the reasons stated in your response. Use this list as a reminder to bring up important points.
3. If you need to order someone to attend this hearing, follow the procedure in Michigan Court Rule 2.506 or consult with an attorney.
4. Go to the judge's courtroom or referee's hearing room on the scheduled day and time. Dress neatly. Get there 10 or 15 minutes early. Be prepared to spend most of the morning or afternoon in court. Bring any witnesses with you.
5. Go into the courtroom or referee hearing room and tell the referee or clerk (sitting near the judge's bench) your name, you are there for a hearing, and you are representing yourself. Don't interrupt any hearing in progress. Take a seat in the back of the courtroom and wait for your case to be called. If you want to tape record the hearing, you must ask the judge or referee before the hearing starts.
6. When you are called, go to the podium and clearly state the following:
 - 1) your name
 - 2) you are representing yourself
 - 3) you want to respond to the motion for a support order or to change a support order
 - 4) the facts or reasons for your response (**bring papers such as pay stubs, W-2 forms, income tax forms, unemployment records, expenses for children, etc.**)
 - 5) whether you have witnesses in court who are willing to testify

Answer the judge's or referee's questions clearly and directly. If the judge or referee wants to hear from the other witnesses, ask them to tell the court what they saw or know regarding your situation. Ask questions of the judge or referee if you don't understand what is being ordered.

7. If the other party is in court, he or she will have a chance to speak also. When the other party talks, take notes. Don't interrupt the other party. After the other party speaks, you will have another chance to talk. Taking notes will help you with this.
8. After the judge or referee makes a decision, you must prepare the order even if it is not what you asked for in the motion.

NOTE: If your hearing was held before a referee and you don't agree with the referee's decision, you have 21 days from the date you receive the referee's recommendation to file an objection and request a hearing before the judge. Use form FOC 68, "Objection to Referee's Recommended Order".

INSTRUCTIONS FOR COMPLETING "NOTICE OF HEARING"

Please print neatly. After filling in the form, you will need to make at least 5 copies of the form.

All items must be completed before your motion can be filed with the court. Please read the instruction for each item. Then fill in the correct information for that item on the form.

- Before you fill in the Case No., get your court papers for divorce, separate maintenance, paternity, or family support and copy the Case No. from those court papers onto this form.
- Also use your court papers to fill in the "Plaintiff" and "Defendant" boxes and if applicable, the "Third Party" box. Copy the names from these court papers onto this form. For example, if your name is in the box that says "plaintiff", then you should write your name in the "plaintiff" box on this motion form.
- You are the "moving party". Once you have written the names where they belong, you must check the box "moving party" in the same box as your name.
- Call the the friend of the court office in your county to find out how to get a hearing date. See page 3 for details. Once you get a hearing scheduled, fill in the full name of the judge or referee who will be hearing the motion, the date of the hearing, the time of the hearing (include whether it is a.m. or p.m.), and the place of the hearing.

Go to the county clerk's office with the 6 copies of this form. The clerk will return 4 copies to you.

- **Certificate of Mailing:** Read page 3 for details on mailing this form to the other party. On the date you mail 1 copy to the other party, write in the date and sign your name on the remaining 3 copies.

Return to the county clerk with 2 copies. See page 4 for details.

You must read the directions on the legal process.